

New Report: Using Bankruptcy to Discharge Criminal Justice Debt

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Boston – A major barrier that keeps people in the United States from successfully reentering society long after an encounter with the criminal justice system is the burden of paying fines and fees. To help knock down this barrier, a new primer from the National Consumer Law Center guides bankruptcy and criminal defense attorneys on using bankruptcy to discharge criminal justice debt and help individuals avoid suspensions of drivers' licenses and vehicle registrations.

“For most debtors, bankruptcy provides a fresh start in managing overwhelming debt. But for those with court debt, a new beginning is very difficult because many fees and fines are not dischargeable,” says **Andrea Bopp Stark, National Consumer Law Center attorney and co-author of the report.** “This limitation disproportionately affects people of color, particularly low-income African American communities that are over-policed and over-fined. Many cities use fees and fines to help fund their criminal justice systems and this burden has fallen on those least able to pay such debt, perpetuating a cycle of extraction and poverty in low-income communities. Hopefully, this Guide will help people, especially those with the least ability to pay, reduce their debt burden so they can start down a new path.”

Clearing the Path to a New Beginning: A Guide to Discharging Criminal Justice Debt in Bankruptcy reviews treatment of debt with use of Chapter 7 and Chapter 13 bankruptcy, an overview of which fines and fees are and are not dischargeable, and how to use the Bankruptcy Code's automatic stay to assist those facing the consequences of nonpayment of court deb. It also suggests basic reforms needed to the Bankruptcy Code to truly help people restart their lives. The Guide includes excerpts of relevant statutes from the Bankruptcy Code, a sample discharge injunction violation motion, and a checklist for dischargeability of criminal debt in Chapter 7 bankruptcy.

Get more information on NCLC's work on criminal justice debt.